



Ontario
Securities
Commission
3S8

Commission des
valeurs mobilières
de l'Ontario

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FILE NO.: 2018-6

**IN THE MATTER OF
MUCHOKI FUNGAI SIMBA
(also previously known as Henderson MacDonald Alexander Butcher)**

D. Grant Vingoe, Vice-Chair and Chair of the Panel

November 27, 2018

ORDER

WHEREAS the Ontario Securities Commission (**Commission**) held a hearing in writing to consider the sanctions and costs that the Commission should impose on the respondent as a result of the findings in the Commission's Reasons and Decision on the merits, issued August 8, 2018;

ON READING the materials filed by and the submissions of Staff of the Commission; with no one appearing for Muchoki Fungai Simba (**Simba**), although properly served;

IT IS ORDERED THAT:

1. Pursuant to paragraph 2 of subsection 127(1) of the Act, Simba is prohibited from trading in any securities or derivatives for 10 years, with the exception that he may trade in RRSP and RRIF accounts in which Simba has sole and legal beneficial ownership, after the administrative penalty and costs at clauses (6) and (7) ordered against him are paid in full;
2. Pursuant to paragraph 2.1 of subsection 127(1) of the Act, Simba is prohibited from acquiring any securities for 10 years, with the exception that he may acquire securities in RRSP and RRIF accounts in which Simba has sole and legal beneficial ownership, after the administrative penalty and costs at clauses (6) and (7) ordered against him are paid in full;
3. Pursuant to paragraph 3 of subsection 127(1) of the Act, all exemptions contained in Ontario securities law do not apply to Simba for 10 years;
4. Pursuant to paragraph 6 of subsection 127(1) of the Act, Simba is reprimanded;
5. Pursuant to paragraph 8.5 of subsection 127(1) of the Act, Simba is prohibited from becoming or acting as a registrant, an investment fund manager or a promoter for 15 years;
6. Pursuant to paragraph 9 of subsection 127(1) of the Act, Simba shall pay an administrative penalty in the amount of \$100,000 for allocation or use by the Commission in accordance with section 3.4(2)(b) of the Act;

7. Pursuant to section 127.1 of the Act, Simba shall pay costs in the amount of \$35,871.51;
8. Notwithstanding any other provisions in this Order, in the event that any of the payments set out in clauses (6) or (7) are not made in full, the provisions of clauses (1), (2), (3), and (5) shall continue in force until such payments are made in full without any limitation as to time period.

"D. Grant Vingoe"

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